

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW YORK HELICOPTER CHARTER, INC.
and MICHAEL ROTH individually,

Plaintiffs,

-against-

AIR PEGASUS HELIPORT, INC., and
HUDSON RIVER PARK TRUST,

Defendants.
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**DECLARATION OF
MICHAEL A. GOULD IN
SUPPORT OF MOTION**

Case No. 07-Civ.-4069 (MGC)

MICHAEL A. GOULD, an attorney duly admitted to practice in the Courts of the State of New York, declares under the penalties of perjury as follows:

1. I am associated with Konner Teitelbaum & Gallagher, counsel for Defendant HUDSON RIVER PARK TRUST, one of the defendants in this action. I make this Declaration in support of the Motion to Dismiss; I am fully familiar with the facts recited herein.

2. Attached as Exhibit "A" is a copy of the Plaintiffs' Amended Complaint, with exhibits.

3. Attached as Exhibit "B" is a copy of the Hudson River Park Act.

4. Attached as Exhibit "C" is a copy of the settlement agreement dated April 28, 2005, in *New York Helicopter Charter, Inc. vs. Air Pegasus Heliport, Liberty Helicopters, Inc., and Hudson River Park Trust*, New York County Index No. 603773-2004.

5. Attached as Exhibit "D" is a copy of the complaint in *New York Helicopter*

Charter, Inc. vs. Air Pegasus Heliport, Inc., Air Pegasus New York, Inc. & Hudson River Park Trust, New York County Index No. 601327-2006.

6. Attached as Exhibit "E" is the transcript of the March 6, 2008 oral argument of the Defendants' motions to dismiss the Second Amended Complaint in this action.

7. Attached as Exhibit "F" is a letter dated December 15, 2006 from Defendant HUDSON RIVER PARK TRUST to Defendant AIR PEGASUS HELIPORT, INC.

Dated: New York, New York
July 17, 2008



Michael A. Gould